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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,330	07/31/2003	Anthony E. Lee	WMK 303	4197

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EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/633,330

Applicant(s)

LEE ET AL.

Examiner

Lars A Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01022004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 31-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 31 recites the limitation "the volume adjustment module" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-8, 16-19, 26, 27, 29-31, 36, 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US 2,999,253).

Lewis discloses the same self-propelled personal watercraft as claimed, as shown in Figures 1-14, that is comprised of a canoe or kayak body, defined as Part #10, with a hull, defined as Part #12, a deck that either partially covers said hull, as shown in Figures 1-3, or substantially covers said hull, as shown in Figures 13 and 14, said deck

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having a cockpit and an end, as shown in Figures 13 and 14, a bow portion and a stern portion, and a deck modification module, defined as Part #26 or 30 in Figures 2 and 3, that is removably attached to said deck, where said module is configured to be selectively removable to change a performance characteristic of said deck when said deck is submerged in water. Said deck modification module is further comprised of a first surface that is configured to at least partially rest against said deck of said watercraft, as shown in Figures 2 and 3, a second surface with tapered sides and an upturned portion, as shown in Figures 2 and 3, that is configured to interact with a flow of water over said deck, a rigid outer portion that encloses a buoyant material in the form of air, and a channel, defined as Part #36, that is configured to accept the insertion of a fastener, defined as Part #42, as shown in Figures 5-7.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis.

Lewis, as set forth above, discloses all of the features claimed except for the use of a deck modification module with a second surface having rounded corners.

The use of rounded corners instead of edged corners on a deck covering would be considered by one of ordinary skill in the art to be a design choice based upon the desired shape of said covering, and the shape of the object that is covered by said covering.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a deck covering with rounded corners instead of edged corners as disclosed by Lewis for the purpose of providing a deck module or covering with a rounded shape that does not impede the flow of water over said deck module.

8. Claims 9-15, 20-25, 32-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Wood (US 4,138,753).

Lewis, as set forth above, discloses all of the features claimed except for the use of a deck module having a rigid plastic outer portion that surrounds a foam core.

Wood discloses a buoyant aquatic cushion, as shown in Figures 1-3, that is comprised of a rigid plastic outer portion, defined as Part #26, having a first surface, defined as Part #14, and a second surface, defined as Part #15, where said outer portion completely surrounds a closed cell foam core, defined as Part #28, as described in lines 47-57 of column 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a module having a rigid plastic outer portion that surrounds a foam core, as taught by Wood, instead of the inflatable module for use on the deck of the self-propelled personal watercraft as disclosed by Lewis for the purpose of providing a watercraft with a buoyant deck module that does not require inflation.

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**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Masters (US 4,503,799) discloses a canoe with a pair of storage chambers that are mountable in the bow and stern of said canoe. Sargent (US 1,041,679) discloses a canoe with a pair of buoyant attachments that are mountable in the bow and stern of said canoe.

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

March 23, 2004

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*

3/23/04